

EXHIBIT 20

1 THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

4 IN RE: NATIONAL :
PRESCRIPTION OPIATE : MDL NO. 2804
5 LITIGATION :

6 : CASE NO.
THIS DOCUMENT : 1:17-MD-2804
7 RELATES TO ALL CASES: Hon. Dan A. Polster

8 - - -

9 Thursday, April 25, 2019

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11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
12 CONFIDENTIALITY REVIEW

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14 Videotaped deposition of DAVID A.
15 KESSLER, M.D. (Day 1), taken pursuant to
16 notice, was held at Baron & Budd, 600 New
17 Hampshire Avenue NW, Floor G, Washington, DC
18 20037, beginning at 9:28 a.m., on the above
19 date, before Lisa V. Feissner, RDR, CRR, Notary
20 Public.

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23 GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
24 deps@golkow.com

1 case focused on six manufacturers, did you do
2 anything to investigate the full scope of
3 mistakes or missed opportunities by any number
4 of other entities?

5 MR. RAFFERTY: Object to the form,
6 vague.

7 A. It's a broad question. Can you be
8 a little more specific?

9 Q. I meant it to be a broad question.

10 MR. RAFFERTY: Object to the form.
11 You can answer it if you understand
12 what she's asking.

13 THE WITNESS: Well, I think I
14 understand what she's --

15 A. I certainly gave a good -- a good
16 deal of thought to FDA's role in this. We
17 discussed that initially. So I did that. I
18 tried to gain an understanding of -- even
19 though I'm not -- if there's any distributor in
20 the room, I'm not -- I have no opinions on
21 distributors. You can go take the day off.

22 I try to have some understanding of
23 DEA's role. The database has distributor
24 information. I certainly looked at -- for

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate column on the errata sheet for any change made.

After doing so, please sign the errata sheet and date it.

You are signing it subject to the changes you have noted on the errata sheet, which will be attached to your deposition. You must sign in the space provided. The witness need not be a notary public. Any competent adult may witness your signature.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition may be deemed to be accurate and may be used in court.

1 WITNESS NAME: DAVID A. KESSLER, M.D.

DEPOSITION DATE: APRIL 25, 2019

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3 ERRATA

4 PAGE LINE CHANGE REASON

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ACKNOWLEDGMENT OF DEPONENT

I hereby acknowledge that I have read
the foregoing deposition, pages 1 - 414, dated
April 25, 2019, and that the same is a true and
correct transcription of the answers given by
me to the questions propounded, except for the
changes, if any, noted on the attached Errata.

SIGNATURE

A handwritten signature in blue ink, appearing to read 'D. Kessler', written over the printed name.

DAVID A. KESSLER, M.D.

DATE: May 31, 2018

WITNESSED BY:

DATE:

1	LAWYER'S NOTES		
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ERRATA*In re: National Prescription Opiate Litigation*, MDL No. 2804

Deponent: Dr. David Kessler

Deposition date: April 25-26, 2019

Pin cite	Current Text	Corrected Text	
39:12-13	"If I can just finish my question, please."	"If I can just finish my <u>answer</u> , please."	Clarification
194:20-195:3	"But that doesn't mean you're not going to stop speeding and -- so again, if you get called out in that letter for that specific here, right."	"But that doesn't mean you're going to stop speeding and -- so again, if you get called out in that letter for that specific here, right."	Clarification
236:6-236:11	"but I think it was the company and Retter's [ph] documents in '92, when he sends them over to the agency, that had that."	"but I think it was the company and <u>Reder's</u> documents in '92, when he sends them over to the agency, that had that."	Transcription error
251:22-251:24	"So there was not substantial evidence to use it in hip or in OA."	"So there was not substantial evidence to use it in <u>low back</u> or in OA."	Clarification
252:20-252:21	"We can pull up the proposition to see exactly what the request was."	"We can pull up the <u>PROP petition</u> to see exactly what the request was."	Clarification
252:21-252:22	"I don't think that was in the proposition."	"I don't think that was in the <u>PROP petition</u> ."	Clarification
362:7-362:8, 10-12	"you certainly should not go to say the solution, when the product doesn't work" "at q12, to increase	"when the product doesn't work at q12, you certainly should not say the solution is to prescribe higher doses."	Clarification

Pin cite	Current Text	Corrected Text	
	higher doses.”		
371:14-371:18	“If a doctor reports that's not working at q8, that gives you that information that should trigger a complaint that should trigger an adverse event.”	“If a doctor reports that <u>the drug is</u> not working at q8, that gives you information that should trigger a complaint <u>which in turn</u> should trigger an adverse event <u>report</u> .”	Clarification
398:6-398:10	“So if you look at -- look at PPLP003409960, that's the promotional incremental -- those are the activities that are spent, and I'm not sure I see that one broken out in the ROI on those.”	“So if you look at -- look at PPLP003409960, that's the <u>incremental contributions by promotional channels</u> -- those are the <u>amounts</u> that are spent <u>on promotional channels</u> , and I'm not sure I see that one broken out in the ROI on those”	Clarification
399:5-399:7	“I don't see that program specifically, the contribution by promotional challenge.”	“I don't see that program specifically, the contribution by promotional <u>channel</u> .”	Clarification